

Is *In Vitro* Fertilization in accord with a Symbolic Concept of Natural Law?*

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U SING A NATURAL LAW ETHICS, Lisa Sowle Cahill and Bruno Schüller conclude that the use of a reproductive technology can be moral. It is so when it protects the spousal relationship and bestows benevolent and beneficial results upon the couple and the child that is born.

In this article I will present their natural law arguments for upholding the morality of *in vitro* fertilization. Since these arguments do not address the multiple dimensions of the person, I propose that a new conception of natural law is needed, a symbolic one. Rahner's "theology of symbol" provides the basis for conceiving natural law this way. Using his theology to formulate a symbolic conception of natural law, I then examine the use of IVF. I consider its impact, first, on the love relationship of the couple, then on the embryo, and finally on the child that is born and in need of ego development. Considering that a couple might decide to forgo IVF, I briefly examine, from a symbolic view, the possible and positive consequences that could result from this decision. I conclude with the argument that a symbolic concept of natural law goes beyond the intentionalities of the moral actors and embraces the substantial realities of their persons and the persons they affect.

THE POSITIONS OF LISA SOWLE CAHILL AND BRUNO SCHÜLLER

Both Cahill and Schüller hold that using a reproductive technology accords with the distinctive quality of human nature, namely, reason.¹ Schüller argues that, when nature can no longer fulfill its reproductive

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purpose, it is reasonable and thus ethical to utilize a technology to attain that purpose.ⁱⁱ Moreover, such action confers a benefit upon its recipient, the child, who is given life. Cahill, while admitting that the use of artificial technologies is not an ideal way of relating love, sex and procreation,ⁱⁱⁱ nonetheless argues that it is not immoral but moral.

Cahill builds her argument for this conclusion with the following series of proposals. Natural law comes from rational reflection on experience.^{iv} Since this reflection occurs within an historical context^v of one's own way of questioning and understanding things, the experience upon which one reflects should be that of contemporary couples themselves and should be based upon what is supplied by today's empirical sciences and medicine. This reflection should be aided by refined philosophical analysis and, as Catholic, should occur within the Church's tradition.^{vi} When people carry out this reflection, they can see that the dignity of the person lies in an exercise of freedom which, in the case of marriage, concerns "the interpersonal relationship of the couple."^{vii} Supported by the Church's own but incomplete^{viii} paradigm-shift from seeing marital consent in terms of the "right over one another's body" to seeing it in terms of a partnership of the whole of the spouses' lives,^{ix} couples can readily conclude from their own experiences that the "interpersonal relationship" is primary.^x Of the three values (love, sex, and procreation), the love relationship takes precedence.^{xi} First, love is in itself a personal value while the other two are in the category of "physical goods and values."^{xii} Second, the relationship is obviously more important than any particular acts in that relationship.^{xiii} Thus, the act of procreation, whether it is by *in vitro* fertilization, which is a "manipulation of reproductive biology," or by sexual intercourse, which is a "biological manipulation of one (or both) of two persons,"^{xiv} is moral and in accord with natural law as long as it does not cause an imbalance in the couple's marital relationship and does not undermine the couple's shared relation to their children and to the society at large.^{xv}

In this regard, both Cahill and Schüller see the person's dignity as residing in the power to reason and choose.^{xvi} From these powers come expressions of personal love or expressions of selfishness.^{xvii} So the use

of one's body, which they see as an instrument of a person's freedom,^{xviii} can communicate one's love or one's selfishness.^{xix} The same can be said for reproductive technologies; they can be instruments of love and of benevolence or of selfishness. In other words, instruments of procreation can become signs of love or of selfishness. All depends on the reason and free choice of the persons acting. When a person finds good reason for acting and that reason is supported by the consensus of others,^{xx} then one is being guided by natural law.

However, one needs to ask whether this way of conceiving natural law is adequate to the issues at hand. As Cahill underlines, we are talking about relationships. They are the relationships between the spouses themselves and between the spouses and the child. These relationships are multi-leveled: physical, spiritual, moral, and emotional. So one has to ask whether it is morally adequate to speak of sex and the reproductive technologies as simply instruments of these relationships. If not, then is it morally adequate to say that it is the intentions of the actors that make these instruments into personal signs of love or of selfishness? Or do we need a fuller view of human nature and its mode of being and acting to adequately describe and evaluate the kinds of actions couples do as both spouses and parents?

USING THE NOTION OF SYMBOL TO UNDERSTAND NATURAL LAW

I think we need more. Instead of seeing sex as a sign or an instrument of love, as Cahill and Schüller do, would it not be better to see it in the fuller context of being a symbol? If we did, would we not be encouraged to conceive natural law in terms of the symbolic reality of things? By conceiving natural law in terms of the symbolic aspect of reality rather than in the rationalistic terms of intentionalities and uses of instruments and signs to produce effects and convey meaning, a person can gain a far richer way of understanding human nature and of evaluating human acts.

Rahner's "Theology of Symbol" lays the basis for doing just that.^{xxi} Rahner writes that "the body can and may be considered as the symbol, that is, as the symbolic reality of man."^{xxii} In other words, the human nature that is common to all human beings operates as a symbolic reality.

Moreover, in this same treatise, Rahner lays the basis for differentiating what is a sign from what is a symbol.^{xxiii}

After presenting some of Rahner's basic ideas to show how he builds on these to speak about the person and the human body in terms of symbol, I will demonstrate some of the ramifications of using Rahner's notion of symbol in evaluating the use of reproductive technologies.

Like a sign, a symbol is a reality by which we can know something else. This happens because there is an agreement between the two, either in themselves or because someone arbitrarily establishes the agreement.^{xxiv} Thus the red octagonal stop-sign stands for the order that one should stop the car at the intersection. But a symbol is more than a sign, more than a representation of something else. A symbol is an expression of that something else as it makes that present whereby it can be known and possessed.^{xxv} When the expression is self-conscious, then "[t]he expression, that is, the 'symbol'" is primarily the "way of knowledge of self...[and of] possession of self."^{xxvi} It is also the way by which the self is known and possessed by another.^{xxvii}

Having explained 'symbol' in this way, Rahner then writes: "[T]he body can and may be considered as the symbol, that is, as the symbolic reality of man."^{xxviii} This is because that which makes the material being a human being is its soul.^{xxix} The human body does not just represent the soul *as* living and thinking and choosing. The body *is* the presence of the soul in its material counterpart, giving the body life and powers of thinking, choosing and feeling. We know this, for when the soul departs from the body, the body no longer lives, thinks, chooses or feels.

But the body is more than a symbol of the human soul.^{xxx} It is a symbol of the human person. While Rahner does not say this explicitly, one can draw this conclusion from a statement that he does make. In explaining how "the body...may be considered as the symbol...of man," he says that this "follows at once from the Thomist doctrine that the soul is the substantial form of the body."^{xxxi} The soul, in other words, does not just give life to the body but makes it a substantial individual. A substantial individual who has intelligence, according to the commonly accepted definition in scholastic philosophy, is a person, namely, "an

individual substance of a rational human nature.”^{xxxiii} One can conclude, therefore, that the body is a symbol of the person.

There are certain corollaries that follow from this. The body is a symbol of the person, because the connection between the body and the person is intrinsic, not extrinsic. So when the spouses use their bodies in sexual intercourse to procreate a child, they not only express themselves outwardly but also make their persons present to one another and to the act of procreation itself. This makes their action very different from the action whereby a child is procreated through the instruments of reproductive technologies. Whereas the use of a reproductive technology can be the means by which the couple effect what they intend, namely, to procreate a child, the use of this technology does not make their persons present to each other and to the act of procreating. It cannot do this, because there is no intrinsic connection between the reproductive technology and the spouses.

Consequently, when Thomas likens the members of the body to instruments, as Schüller indicates, Thomas calls them *quaedam animae instrumenta*, but he does not simply call them instruments. That is, they are “like” (*quaedam*) instruments insofar as they are directed by a person’s choice the way an instrument is directed by the agent using it, but they are not instruments *per se*. Instruments *per se* receive a power and a direction from the agent that uses them, but they do not make the person present. They cannot do so because they are not intrinsically related to the person.

In addition, the members of the spouses’ bodies and the instruments of reproductive technology receive their direction differently. In the case of the spouse’s bodies, the direction is coming from the intrinsic principles of the bodily members of the persons themselves. In the case of the use of technologies, the direction is coming from agents extrinsic to the spouses. In the sexual intercourse of the spouses, the causes of the direction are formal ones. In the use of reproductive technologies, the cause of direction is an efficient one. In sexual intercourse, the direction is coming first from the human form of the spouses and then from their natural inclinations,^{xxxiii} which are vital, sexual and intellectual.^{xxxiv}

Reproductive technologies have no such inclinations. To the natural inclinations of the spouses that come from their human form (the soul) come the inclinations or appetites that arise from the other forms inward to the spouses. These are the forms grasped by the external senses of sight, touch, and so on, the forms grasped by the internal powers of common sense, imagination, memory and estimation,^{xxxv} and the forms grasped by the intellect. From these forms, taken together, come affective movements that are natural, sensible, emotional, and intellectual.^{xxxvi} Moreover, all of these movements are expressive of the persons whose bodies are performing these actions. These movements are therefore personal and not just “physical,” to use Cahill’s description, or “animal,” as some describe the bodily movements of the person.^{xxxvii} Thus, the body with all its natural movements is an expression of the person and the way by which the person will fully realize himself or herself.^{xxxviii} These inclinations are not made personal by the choice of the person, since they are already expressions of the substantial individual who is this person. What the person’s choice does, when made according to a rightly formed conscience, is to perfect these personal inclinations. The person perfects these inclinations by consciously directing them to what is truly beneficial to the person and the person’s nature.

So, it is the intrinsic relationship between the symbol and what it symbolizes that makes a symbol very different from a sign. Because of this intrinsic relationship there are reciprocal influences and changes that take place. This is not the case with signs. Signs like a letter or a poem can be an expression of one’s self and can convey something of one’s self to the other person. But, once written, there is no reshaping of one’s self, of the message or of the one to whom the message is given. Being extrinsically connected to the person, the letter or poem cannot make the person present. The body, on the other hand, as symbol, makes the person present. Because the body is intrinsically connected to the person and because the body is composed of active and passive principles,^{xxxix} the person is capable of not only giving something to the other but of receiving something as well. Because of this bodily presence to one

another, we can express ourselves to the other, change the situation, shape ourselves and the other, and be reshaped in the process. Our minds and hearts, imagination and feelings, our whole body modifies and is modified by whatever world of meaning and action we enter. Consequently the expressions the person makes in and through his or her body have a four-fold effect. They communicate the person outwardly, shape the person inwardly, change the situation, and make the person capable of being shaped by the one with whom one is communicating.

There are further consequences. Since the body is a symbol of the being, and particularly of the human being, our attitude towards our own body-self affects our attitude towards other human beings and their body-selves and *vice versa*. This will be shown later when we discuss attitudes towards infertility.

Also, because our bodies are symbolic realities, they play a constitutive role in human relationships. They can forge bonds that intentionalities and “sign-instruments” cannot. This is especially evident in the case of marriage. While it is true that the Catholic Church has long settled on its teaching that marriage is essentially constituted by the consent of the couple,^{x1} it does not teach that this bond cannot be broken.^{x2} What the Catholic Church does teach is that, when the marriage bond is symbolized by sexual intercourse, the marriage bond then becomes “absolutely indissoluble.” When this occurs, no human reason is sufficient for dissolving such a bond.^{x3} This is the importance of one’s body-self and body-self union. From this we can conclude that it would be against nature, against the natural law, to ignore the importance of our bodies. Unlike the angels, willy-nilly, our bodies, our body selves, are involved in our acts. Even the greatest intellectual endeavors cannot be carried on without our bodies, and when they are carried out, we cannot escape the fatigue that is in our bodies. We are inextricably one.

With this conception of natural law, the paper will endeavor to show that even though the use of *in vitro* fertilization for reproduction can achieve the shared purpose of the spouses, it bypasses by that very fact their mutual acceptance and love of each other in their individual or

combined infertility. It will attempt to show that their using their bodies to express love for each other while using *in vitro* fertilization to procreate can set up an imbalance in their love relationship to each other which can be disruptive of their union. Third, it will attempt to show how the decision to use *in vitro* fertilization not only puts the child being conceived at risk but also puts the child at risk in attaining his or her personal identity.

IN VITRO FERTILIZATION AND LOVING ACCEPTANCE

When we initially think of *in vitro* fertilization and other reproductive technologies, we naturally think of those couples who love each other dearly and long to seal that love with a child of their own but cannot do so because of infertility. Our heart goes out to them. Spontaneously, we look for some way of removing their pain. Even a miracle would do. It is no wonder, then, that we see this miracle in the reproductive technologies only recently developed. They provide a way of bypassing the couples' problem of infertility and of obtaining for them what they have longed for, a child of their own bodies. And so this technology, even though it involves injections, surgeries, repeated cycles, and substantial fees, is seen as the couples' savior. It is not hard to understand why couples, burdened with their own infertility, embrace this miracle of modern science and are willing to suffer the psychological and economic costs to pay for its promise of a child for them.

However, these costs are often more than the couples themselves realize. For instance, when they choose to bypass their infertility, they are bypassing a good part of themselves as well. They might think that one means of reproduction can be exchanged for another, but in the process of doing this they are making an implicit judgment about their own bodies. In order to provide the gametes for *in vitro* fertilization, the wife must put aside her feelings, undergo a series of injections to bring the eggs to maturity, submit to laparoscopy so that the eggs can be harvested for the fertilization process, and receive the newly fertilized egg as a transplant to her womb. On his part, the husband masturbates his genitals to provide the seed for the fertilization. In going through these

processes the couples have to treat their bodies not as their own body-selves but as things to be mined and manipulated so that the precious gametes can be obtained and placed together to produce their child. In going through this, couples involve themselves in a whole series of bodily and emotional activities that treat their own bodies as if they were no different from the instruments that will be used to procreate their child. Taken together, these activities say back to the couple that what happens to their own bodies and psyche is not so important as long as the technological instrument of reproduction works. Symbolically, their body-selves are given less importance than the end-result.

In the process of doing this, they are putting aside the very pain that prompted them to do these things in the first place, their infertility. But infertility is not just a fact; it is a condition of their body-persons. When the husband and wife seek to get around this fact by a reproductive technology, they ignore this truth about themselves. It is a truth that can carry with it a very deep wound to their sense of self, as both the Hebrew and Greek Testaments testify in their stories of Sarah, Hannah, Elizabeth, and others. When couples seek to pass over this fact about themselves and to use a reproductive technology, they ignore a wound that lies deep within them. In doing so they experience neither their own love nor their spouse's love for them despite this fact. As least Hannah, in her infertility, heard Ilkanah tell her that he loved her more than the wife who bore him children. Without this acceptance from one's spouse and from one's self as well, the spouses can find themselves going through the difficult processes of *in vitro* fertilization not because of love but because of shame or guilt over their infertility.

By treating their bodies as an instrument and as one that has failed at procreation, couples symbolize, if not to their conscious level, at least to their unconscious a double alienation. There is their alienation from the truth about themselves and the alienation from their own body-selves as they treat them as instruments rather than as parts of themselves. In addition, when they ignore these truths about their own body-selves, they leave this particular wound of theirs untended. Neither spouse realizes that the wound is there and is in need of healing and neither spouse

realizes that his or her partner is in need of healing as well. Should success come in their having a child this way, it will be difficult for them to acknowledge the wound that still remains.

There is another wound as well that can occur. It comes from the experience that couples have when there is a miscarriage after the embryo is transferred to the womb. This can happen two or three cycles in a row, each of which can cause real grief to the couples. But they push on, not realizing that they are going through two or three grievings within the space of time of one miscarriage of a fertile couple. One psychologist, speaking at a seminar in the Camden diocese, said that this has become a serious problem for couples trying to have a child by way of *in vitro* fertilization. In "Parental Grief Response to Perinatal Death," Smith and Borgers report that the tendency to blame self for death reaches a mean of 55.19 for mothers and 45.72 for fathers.^{xliii} They also report that the type of loss, miscarriage, stillbirth, and infant death did not make a difference in grieving.^{xliv} And John De Frain and associates report that recovery from a still-born death is very slow.^{xlv}

What can cover over these experiences, however, is the couple's physical love-making itself. By it, they symbolize that they do love, accept, and care for each other. However, this act clashes with the symbolic meaning of their other acts directed to the use of the reproductive technology. On the one hand, they experience a closeness to one another in their love-making. On the other hand, they experience a distancing from their own body-persons and one another as they seek to procreate a child through the agency of others.

By the time the child is born, a serious imbalance can be set up within their shared loved experience. As spouses their love for each other is a body-and-soul person-to-person love. They act in complete freedom, towards themselves and towards each other. Theirs is not the payment of a debt but a freely offered gift. In their love relationship as parents, however, it is different. As parents their love for each other involves only their soul, that is, they agree on the same goal and means. As parents their love of the child involves only a bit more than their souls—besides their intention to procreate, they offer their gametes. They

do not offer their bodies nor do they make themselves present in the act of procreation as they had done in their act of spousal love. Between the parents and the child there are other people who actually take over the procreative process. What binds parent and child together is not the loving act expressive of a gift between the spouses but a loving act that is expressive of a contractual duty between parents and procreators. Consequently, the two modes by which the couples express their marital relationships are vastly different. The spousal mode is wholly personal, self-giving, and free; the parental mode is partly personal, self-distancing, and financially obligatory. This can cause a serious imbalance in the way the couple relate to one another as they look toward the good of each other and their child. So, even according to Cahill's standard for ethical behavior, the use of the reproductive technology falls short of preserving and protecting the marital bond.

REPRODUCTIVE TECHNOLOGY AND THE BENEFIT TO THE CHILD

But what of the child that is begotten? Is the child's well-being the purpose of the act? Schüller says yes.^{xlvi} Without the use of this reproductive technology, there would be no child; with its use, the child receives the gift of his or her own existence.

But, before concluding that the use of reproductive technology is ethical from the standpoint that the child is benefitted, we must examine the kind of existence into which the child is brought. Abstractly we can say that being is always good; nonetheless, we do not recommend that a child be born without enough food to nourish him or her or without the security of caring parents who will not only beget the child but raise the child to adulthood. We do not recommend that unmarried couples beget children so that others who want a child but cannot have them can adopt them. We know instinctively that putting a child through this kind of experience is not good, no matter how much we want the adopting parents to have a child. Actually, when parents adopt, they are not acting to make it worse for the child but to overcome some of the things that were missing when the child was begotten—a secure home, parents who could not only love but raise the child, and so on.

Although the married couple who can afford to use the reproductive technology fall under neither of the above mentioned categories, we still have to examine what kind of environment the use of a reproductive technology places the child in.

With *in vitro* fertilization, the child comes into being in a petri dish, not in the mother's womb. Its environment is dangerous. Even if the possibility of contamination is lessened, the child as a fertilized egg is far from the mother's body and love and in the hands of those who are genetically strangers to him or her and whose commitment is neither parental nor familial but professional and contractual. Considering that all the embryos are human beings and not some other kind of living being, we have to look at the fate of not just the one who is brought to term by birth but at the fate of each one from the moment of fertilization. Each one is fated with many possibilities. Some of these possibilities are good, some bad.

Melissa Moore Bodin provides a personal account of what happens to the embryos in the *Newsweek* essay "My Turn: Eggs, Embryos and I."^{xlvii} After giving up contraception and then experiencing three ectopic pregnancies, she and her husband tried IVF. Of the 11 embryos, she conceived one child, losing five and freezing five. A few years later she conceived twins, having started with 18 embryos. Of these, she lost ten, and had six frozen, waiting, as she describes it, to be destroyed or adopted. So, of the 23 conceived, 3 made it to birth (13%), 6 are still frozen (26%) and 14 were lost (60%). Mrs Bodin's 13% who made it, corroborates the 10-to-30% that Dr. Marian Damewood says are implanted in the mother's womb.^{xlviii} For a specialized group, those women under 40 and without male factor infertility, 25.6% of the embryos become live-birth deliveries.^{xlix} *The Chicago Tribune* reports that in a survey of 300 centers in the U.S. 32% of the cycles of assisted reproductive technology issued in babies, in 1996.¹ Nonetheless, we need to pay attention to what is not said in these success figures. What is not said is the number of embryos actually created—it is presumably a much higher number than those actually transferred since not all embryos are transferred to the womb. Some are discarded, some frozen, some used

for experimentation. But even if we ignore this fact, we need to also recognize that even with the high figures of success reported by Couvares and *The Chicago Tribune*, between 63.4 and 68% of the embryos involved in the transfer or reproductive cycle never make it to birth. Even when infertile couples are treated medically or surgically, their loss of pregnancy by miscarriage is only between 20 and 30%.^{li} Deliberately to place a individual human being in a situation where it has a 63 to 68 % chance of not making it is unfair to the child.

And what of those who do make it? Are they affected psychologically by this? It would seem not, unless a protein within the embryonic cell becomes a memory-chip later on. Nonetheless, a child and later an adult can come to know of his or her beginnings. He can come to know that in his beginning his parents put him at great risk for survival. How would he feel in knowing that he was put at such risk so that his parents could obtain their goal of having a child of their own genes? Also, what happens when the child or the adult thinks of the embryos that were lost in the process? Were they not lost, they could be his brothers or his sisters. It has been shown that when the sibling who died was known, that sibling “was generally of great importance to the survivor.”^{lii} It has also been shown that many siblings feel guilt over the loss of a brother or sister and that for some this has “arisen out of a basic belief that to survive was to do so at another’s expense.”^{liii} Could the child born by this process have similar feelings and be disturbed by them? Would he or she feel foolish at raising these problems, since it was only some embryos that were lost and many people consider them as non-persons anyway? To what extent this would cause suffering in the child born this way, we do not know. It would have to be studied.

THE CHILD’S EGO DEVELOPMENT

There is one more question to ask. Would such a process affect the child’s ego development? The Vatican document *Donum Vitae* argues that it would.^{liv} While believing that one’s origin came about because one’s parents desired him so much that they were willing to procreate him through the agency of others, the child could still sense some

negativity about his origins. Like others born of loving parents the child's birth would have been one of initial pain but final joy. However, the *in vitro* child's conception would have been different. Instead of arising from a joyful and pleasurable exchange between the parents, his or her conception would have been preceded by a contractual exchange between parents and the technicians and the inevitable discomfort and anxiety that comes from undergoing the reproductive procedures. While a child and later an adult can come to appreciate the value of something by knowing its great costs, the child and later the adult could well want to feel that his or her origin in the world was not a costly but a pleasurable and joyful experience. The child might prefer that his or her origin came from a loving act between his parents that was pleasurable and bonded them bodily rather than from an act that was not their own and was separate from them. The child might well feel more secure in knowing that the bond between himself or herself and the parents was not forged in the moral and financial commitments that the parents made to have a child, but was constituted by the sheer pleasure that his or her origin brought about. Just as a marriage bond is stronger when it is pleasurable as well as moral, so too can one expect that the parent-child bond is stronger for the same reasons.

But there might be some other reasons why the ego development of the child would be affected. To put this in perspective, we need to consider what Erik Erickson says about the child's ego development into adulthood and how it applies to people in general before seeing a particular application.^{lv}

According to Erickson, a child's personal identity depends on a series of interactions with others, beginning with his or her parents. In these interactions, the child learns to establish who he or she is and to situate himself or herself in the world. For this to happen the child must successfully resolve various conflicts about himself and his relationships to others and the world. When children are successful in resolving these conflicts and growing into adulthood, they come to a trust in themselves and in the world rather than a distrust, a sense of their own autonomy rather than a doubt about themselves, a desire to initiate relationships

rather than a feeling of guilt for doing so, a resolve to be industrious rather than settling for inferiority, an establishment of their own personal identity and the roles they play in the world rather than a confusion about them, a movement towards intimacy rather than a flight into isolation, and finally an achievement of generativity for others rather than a sterile stagnation.

How the mother and father respond to their child in these interactions can either help or hinder the child in its ego development. But properly responding to their child is not just a matter of the parents thinking about what they should do and doing it. Much more is involved.

These interactions are extremely subtle and often whole-body reactions. A mother's smile at her baby, for instance, can generate a smile in the child, whereas an expression of displeasure in the child can generate a similar reaction in the mother.^{lvi} And such interactions are not limited to the mother; they can involve the father as well. Often the interactions are spontaneous—the smile on the face, the warm embrace, the words spoken and the feelings generated in the exchange. Whether subtle and spontaneous or patiently contemplated, these interactions between parent and child become the means by which the child resolves or does not resolve the conflicts involved in his or her ego development. The reason for this is that the child's conflict situations are unlike Kohlberg's moral dilemmas, which can be resolved by ever more sophisticated forms of reasoning. Rather, the conflicts are emotional in content. They are the result of the child encountering at the psychological level the symbolic nature of his being. Where spirit meets matter, meaning is joined to feeling so that they become inextricably one. So the parents must be ready to respond to their child in the same way. It is not enough for the parents to respond only intellectually and according to plan or only in terms of the feelings of the moment. The response has to be intellectual and emotional, both for the short and for the long term.

Consequently, parents who have never developed a total-person way of responding to situations are at a disadvantage. They can only respond to part of what is going on within their child and can provide guidance only for that part. Those who have developed full-body responses in life,

on the other hand, can best help their child. They can provide simultaneously the sensitivity and the knowledge that the child needs.

Let me use an example of what I mean by examining what Erickson describes as the first stage in the child's ego-development. In this stage the child must negotiate between a trusting and distrusting stance towards the world. The child can come to a trusting stance towards the world when what he feels within corresponds with the outside world's response to him. Should his parents respond to his discomfort, he develops a sense that his inner world is connected with the world around him. Should his parents remedy his discomfort, he develops a sense that the world can be a friendly environment. Should his parents respond to him in a consistent way, even if not always immediately, he develops a sense that he can trust the world. Depending on what happens in these exchanges between himself and the outside, the child gains or loses the assurance that his "reading" of his inner and outer world is correct and trustworthy and that he as a person is "O.K."

Of the parents this requires not only a felt sensitivity of the moment but also a firmness of purpose in their multiple activities of raising their child, taking care of the household, earning a living, fulfilling social obligations, and worshipping God. If parents only respond at the feeling level, meeting the child's need when their own feelings are positive, but not meeting his need when they are not in the mood, the child becomes saddened and resentful. Such on-and-off responses to his needs confuse the child and undermine the child's assurance that he can trust himself and the world around him. On the other hand, if parents only respond at the planned and reasonable level but not at the feeling level, the child can experience that his or her feelings have no say in the world.

Consequently, to respond adequately to the child's need, parents have to shape themselves to the point where feelings and plans have equal value and make a whole. Then, when parents make spontaneous decisions about their child's needs, these decisions will intuitively address both the feelings of the child and the parents' own firm purposes.

Parents can develop this capacity of attending to both things simultaneously by making multiple little decisions in their own lives

along these lines. But parents can also hinder this development in making full body responses when they themselves make decisions that separate thoughts from feelings or persons from goals. In other words, the decisions of our past not only can carry their external effects into the present but also can shape us and dispose us to make similar kinds of decisions in the present.

It is this possibility that leads me to argue that the kind of decision the parents make in order to have a child through *in vitro* fertilization not only can bring their child into being but also can condition them in the ways they respond to the child as they seek to help the child grow. I say this because we can shape ourselves into being a certain way not only by a series of similar decisions along the same path but also by very significant decisions. For instance, the engaged spouses shape themselves for marriage by all the little decisions they make through this engagement period. Nonetheless, there is one radical decision they make that can either seal their commitment or unseal it. And that is the decision to stand before others and make their vows to one another and before God. The wedding day becomes not just another day, but a day that sets their destiny.

It appears to me, from the descriptions that couples give about their decision and its execution in having a child through *in vitro* fertilization, that this kind of decision is one of those radical ones that can readily shape their attitudes and ways of acting. To carry out their purpose to have a child through a reproductive technology, the couple often have to separate their sexual feelings for one another from their plans to have a child. They have to separate their feelings about the procedures which at times can be quite negative from the goal that the procedure promises, having a child. While these separations are directed only to achieving the goal of having a child, they can endure even after the goal has been attained. This can happen since couples must set aside their feelings as they go through the whole process of ovulation induction, oocyte retrieval, sperm procurement, oocyte fertilization, and embryo transfer. Setting aside their feelings for their goal is not something that is done only for a moment. Each fertility attempt takes from 48 to 72 hours.

And couples repeat this for three to five fertility cycles. By steeling themselves to do this, they consciously and even unconsciously shape themselves into thinking and feeling that such a separation is acceptable since it is for a good goal. This disposes them to think and feel that the denial of one's feelings for the achievement of certain goals is something that can and should be done. They can carry this over when they spontaneously deal with their child's needs and their own purposes. In the same way that they accustomed themselves to set aside their own feelings to fulfill their plans, they can spontaneously set aside their child's feelings at that moment as they seek to fulfill the purpose at hand.

Since so many exchanges between parent and child are spontaneous and not thought out, the parents can make these separations many times. So, when the responses are inconsistent, the child develops the sense that the world cannot be trusted. Or, if his feelings of the moment are so often ignored, he can come to believe his own feelings are unimportant in the scheme of things. This can carry over and be reinforced when the child goes through others stages of development, for instance, when he seeks to initiate a special relationship with mother or father and believes that performance, not feelings, are the only things that count. For these things not to happen, the couple would have to make concerted efforts to reverse their own tendency of separating feelings from plans.

THE DECISION OF THE CHILDLESS COUPLE

If a childless couple were to recognize that they should not use reproductive technologies, then what? What would be the good they would choose? To answer this question in a way that is proportionate to what has already been written would require another article. But some things, though needing elaboration, can be said that would be supportive of such a couple. First, by choosing not to harm themselves or the child for the sake of being parents, they would be establishing their own moral integrity. This would happen because they would be choosing what they judge to be true and good over what they judged to be more satisfying. It would not be easy, however. It would bring with it a great deal of sorrow for they would be giving up their goal of having their own genetically

related child. But they could help each other in this sorrow. They would know what their sorrow was about and they would be able to sympathize with one another. In supporting one another in this sorrow, they would be giving each other the assurance that they are loved and accepted. This loving acceptance could have even deeper meaning for, as they express it to each other, they would be expressing it as regards their whole persons. It would even embrace the fact that their loss is due to their own infertility. But with the total body acceptance of their particular loss, they would be symbolically accepting the other in his or her particular loss. Such loving acceptance could be healing of the shame or guilt that either or both might be experiencing because of their infertility. Coming to this personal and mutual acceptance of one another can have other ramifications as well. In the eighth stage of growth, of which Erickson speaks, the stage after the intimacy and the generativity stages, there is the integrity stage. People come to this stage of development, writes Erickson, when they come to accept the whole of their past history, its successes and failures, its perfections and its defects. They integrate these opposites into a unity. No longer conflicted, such persons not only can experience a harmony within but can communicate it outwards. When they act, their thoughts and feelings are in harmony with what they judge to be good. Consequently, people can trust them. Erickson sees people of this kind as able to foster growth in others. This is what he writes:

Trust (the first of our ego values) is here defined as “the assured reliance on another’s integrity” (the last of our values)... And it seems possible to further paraphrase the relation of adult integrity and infantile trust by saying that healthy children will not fear life if their elders have integrity enough not to fear death.^{lvii}

Couples who have come to terms with their own incapacity of begetting new life from their own bodies truly have “integrity enough not to fear death.” Such couples can become for society a haven for trust. When these couples move beyond themselves and express their parenthood through their caring for others, their inner integrity will be a trust bulwark

around which others can grow. When this occurs, something more than what is observed could be going on as well. Considering that St. Paul saw in the love of husband and wife for one another a symbol of Christ's love,^{lviii} the couples who make a moral choice not to harm one another or expose any children to harm symbolically express Christ's love. By this I do not mean that they provide a modern example of self sacrifice; rather, I mean that their actions can be expressions of Christ's self-sacrificing and redeeming love itself. Such is Paul's conviction. To understand how it would be possible, we would have to elaborate the connections between the natural symbolism of marriage and its supernatural sacramentality. Nonetheless, infertile couples who forgo the natural satisfaction of having their own child for what is and what they judge to be morally right, open themselves to these good things: a moral and psychological integrity that can generate human development in another because of their trustworthiness and that can be saving for others, because the couples' lives express a divine as well as a human reality.

CONCLUSION

As we have seen, Cahill and Schüller have been able to construct natural law arguments that justify the use of *in vitro* fertilization by spouses who are infertile. For these two ethicists and theologians, acting according to natural law can be reduced to acting according to right reason. Using IVF accords with natural law, since it is reasonable to use it for procreation when couples are infertile. Morally speaking, they say, there is no difference between sexual intercourse and *in vitro* fertilizations. They are both apt instruments to effect the procreation of a child. When directed to loving and not selfish ends they constitute a good act. According to Cahill, this benefits the couple for they can realize their shared goal of having a child genetically like themselves; according to Schüller, it benefits the child by conferring life on the child. Provided the use of IVF is for love and not selfishness and provided that its use does not disturb the primary value of the marriage relationship, the partnership of love between the spouses, it is good.

In my response, I suggested that this rationalistic concept of natural

law, which situates morality in the intentionalities of the actor and considers sexual intercourse or *in vitro* fertilization as instruments of these intentionalities, is not adequate to the situation at hand. Cahill intuitively recognizes this when she puts such emphasis on the marriage relationship. She is concerned about how the spouses lovingly relate to each other, to the child, and to the society at large. But relationships involve more than the free acts and good relationships involve more than love and the use of “physical goods” or “instruments” to achieve the goals of that love. Relationships involve the subjects in those relationships—not only the actors but those acted upon, not only the actors as acting but as acted upon. All of these things have moral significance. Moreover, besides the two spouses and their relationship to one another, there is the mutual relationship between them as parents and the child. The mutuality of this second relationship is underway long before the child reaches his own discernment and free choice. The child’s body and his or her emotional and intelligent responses are deeply affected by the parents’ choices even though they are not subject to any choice on the child’s part. Something similar can be said for the spouses: their body and their emotional and intelligent responses deeply affect their own choices, and they are deeply affected by their choices and affect their future choices.

To describe sex as an instrument to achieve procreation and as a physical value that must be “...subsumed under the interpersonal meanings in order to have moral intelligibility...” does not adequately address the moral significance of the bodies and feelings of the child and the spouses as they relate to each other.^{lix} To describe sex as simply a physical value and as an instrument to be used does not match the long-standing notion in the Catholic tradition that persons are “individual substances of a rational nature,” which is a body constituted by a spiritual and material principle.^{lx}

What does match this notion of person and what does address both the active and passive aspects of human nature and human actions are Rahner’s two notions about the human body. First, that the “body...[is] the symbolic reality of man”^{lix} which “comes to...its self-fulfillment”^{lxii} as

“a being [that] realizes itself in its own intrinsic ‘otherness’ (which is constitutive of its being).”^{lxiii} Second, that the body is a symbolic reality of the person because the “soul is the substantial form of the body.”^{lxiv}

From this symbolic concept of human nature, one can argue that whatever protects or advances the symbolic reality of the human person in his or her body and relationships to others is moral and that whatever undermines the symbolic reality of the human person and his or her relationships to others is not according to natural law. I have given reasons for saying that the use of *in vitro* fertilization undermines the symbolic nature of the human body, the symbolic reality of human love between the spouses, and the symbolic reality of human love between the parents and child.

Using IVF as just another instrument of procreation, alienates the persons from their own bodies. Ignoring the wound of infertility by going after the use of IVF for procreation alienates the person further from his or her own body and the body of the other person. While acts of sexual intercourse between the spouses build up the symbolic reality and understanding of their love relationship with each other, acts of using IVF in procreation do not build up the symbolic reality and understanding of their love relationship with their child. Subjecting their bodies to what has to be done in order for *in vitro* fertilization to take place and putting aside their emotions in the process symbolically expresses that the bodily and pleasurable aspects of love in procreation are not important. This dichotomy sets up a serious imbalance in the way the spouses love each other as spouses and love each other as parents. Regarding the child, the use of *in vitro* fertilization does not express care for the child because it puts the child at a vastly greater risk than a child conceived through sexual intercourse. The child’s later knowledge of such action can undermine its feelings and even thoughts about his or her own self worth. Unlike adoption, which tries to make up for such losses, the use of IVF to have a child exposes the child to such losses. In addition, the spouses’ attitudes about their own bodies and emotions when procreating a child can have an effect as they seek to raise the child and grow in his or her ego identity. Because the parents have

symbolically expressed to themselves that the body and its pleasures are of secondary importance when it comes to begetting the child, they are disposed to approach raising their child with this same kind of attitude. Unless they make many conscious efforts to undo this way of thinking and feeling, they will be ill disposed when it comes to spontaneously helping the child develop his or her sense of self.

Should the couple accept themselves in their own infertility, then they lay the groundwork for healing each other of their losses and of establishing themselves as trustworthy carers and mediators of love for others.

In short, to preserve rather than harm the goodness of the spouses and to help rather than prevent the development of that goodness, we are called to attend to the full dignity of the person. The dignity of the person arises not only from that person's free choice's, as Cahill and Schüller affirm, but also from the person's own body and the bodies of others, as this paper has sought to demonstrate.

NOTES

i. Aquinas, *Summa theologiae*, 1-2. 94. 2

ii. Bruno Schüller, "Paraenesis and Moral Argument" in *Gift of Life: Catholic Scholars Respond to the Vatican Instruction*, eds. Edmond D. Pellegrino, John C. Harvey and John P. Langan (Washington, D.C.: Georgetown Univ. Press, 1990). Reading what Schüller writes prior (pp. 87-92) and subsequent (pp. 92-98) to his question (p. 92: "Is it inconceivable that God has provided man with reason and understanding also so that he, by himself, may endeavor to find out how to succeed when natural measures prove a failure?"), I gather that his answer is "No."

iii. Lisa Sowle Cahill, "What is the nature of the Unity of Sex, Love, and Procreation? A Response to Elio Sgreccia" in *Gift of Life*, p. 141.

iv. *Ibid.*, p. 144

v. *Ibid.*, p. 138.

vi. *Ibid.*, p. 145

vii. *Ibid.*, p. 139

viii. *Ibid.*, pp. 140-142. Cahill sees this paradigm-shift as incomplete, for, although, *Gaudium et Spes* and the *Code of Canon Law* (1983) speak of marriage as a partnership directed to the whole of the couple's life, the Church still holds on to setting norms for particular actions of the body rather than for the marriage relationship itself. It should be pointed out, however, that Cahill goes further than *Gaudium et Spes* by giving primacy to the spousal relationship. She writes that "the procreative relationship of parent to child is...a great and precious good" but "not an absolute value," and so it is right that the "the love commitment of spouses sets reasonable humane and Christian parameters" to it (*ibid.*, p. 147). Cahill does not indicate that the love commitment to the offspring should also set parameters for the spouses, whereas *Gaudium et Spes* says that the "intimate union (of the spouses) as well as the good of the children imposes total fidelity on the spouses..."(#48).

ix. *Ibid.*, p. 140

x. *Ibid.*, p. 142.

xi. *Ibid.*

xii. *Ibid.*

xiii. *Ibid.*

xiv. *Ibid.*, p. 143.

xv. *Ibid.*, pp. 141, 142, 147. "The first feature of the emerging paradigm is that the partnership of the couple is the basic category; the partnership opens out onto family and society." "If there is an inviolable value in the triad of love, sex, and procreation, it is clearly the value which is in and of itself a personal one: love." The "valid unity among them...[is] the marital relationship." "Even within marriage, the use of technology must be judged in relation to the love and commitment of spouses, and by its effects on their relationship."

xvi. *Ibid.*, p. 139.

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- xvii. Schüller, "Paraenesis and Moral Argument," p. 88.
- xviii. Cahill, "The Unity of Sex, Love and Procreation," p. 143; Schüller, "Paraenesis and Moral Argument," p. 93. Schüller argues that not just "conception *in vitro*" can be described as a "biological technique" but so can sexual intercourse. He refers to a quote from Thomas's *Summa contra gentiles* III, 126, which speaks of a member of the human body as *quaedam animae instrumenta*.
- xix. *Ibid.*, p. 86.
- xx. Cahill, "The Unity of Sex, Love and Procreation," p. 144.
- xxi. Karl Rahner, S.J., "The Theology of Symbol" in *Theological Investigations*, vol. 4: *More Recent Writings*, tr. Kevin Smyth (Baltimore: Helicon Press, 1966), pp. 231-52.
- xxii. *Ibid.*, p. 246. Rahner also writes: "It is well known that in every human expression, mimetic, phonetic, *etc.*, in nature, the whole man is somehow present and expressing himself, though the expressive form is confined to one portion of the body to start with" (*ibid.*, p. 248). It appears that Rahner sees the body and its members as a symbol of the whole and substantial human being, rather than as an instrument of the person. Why then does Schüller characterize the reproductive parts of the human body as instruments if, according to Richard A. McCormick, S.J., Schüller follows Rahner's anthropology? See "Some Early Reactions to *Veritatis Splendor*" in *John Paul II and Moral Theology: Readings in Moral Theology, No. 10*, ed. Charles E. Curran and Richard A. McCormick, S.J. (New York/Mahwah, NJ: Paulist Press, 1998), pp. 9-10.
- xxiii. *Ibid.*, pp. 231-52.
- xxiv. *Ibid.*, p. 225.
- xxv. *Ibid.*, pp. 224-25.
- xxvi. *Ibid.*, p. 230.
- xxvii. *Ibid.*, p. 225.
- xxviii. *Ibid.*, p. 246.

xxix. *Ibid.*, p. 247. “What we call the body,” he says, “is nothing else than the actuality of the soul itself in the ‘other’ of *materia prima*.”

xxx. *Ibid.*

xxxi. *Ibid.*, p. 246.

xxxii. Thomas, *Summa Theologica*, 1.29.1. This definition is from Boëthius’s work, *De Duabus Naturis*. Thomas also writes that although the soul of the human species “may exist in a separate state, yet since it ever retains its nature of unibility, it cannot be called an individual substance, which is the hypostasis or first substance, as neither can the hand nor any other part of man; thus neither the definition nor the name of person belongs to it.” *Ibid.* 1.29.1.5m.

xxxiii. Thomas Aquinas, *Summa theologiae*, 1.80.1: “To make this evident, we must observe that some inclination follows every form; ...therefore this natural form is followed by a natural inclination, which is called the natural appetite.”

xxxiv. *Ibid.*, 1-2.94.2.

xxxv. *Ibid.*, 1.78.4.

xxxvi. Bernard F. Lonergan, who changed from speaking about psychological activity in terms of forms and movements to speaking about them in terms of the cognitive operations of experience, understanding, judgment, and decision, nonetheless recognizes that there is an affective movement that flows from these cognitional activities. See p. 65 when he speaks about feelings and p. 115 when he speaks about love being connected with a judgment of value in his book, *Method In Theology* (New York: Herder and Herder, 1972).

xxxvii. Rahner, “The Theology of the Soul,” p. 247. While Rahner acknowledged that there are empirical objections to the affirmation of such a close unity between the body and the human person, he makes his final assertion: “Hence, we may formulate in our theory of symbols the principle that the body is the symbol of the soul, in as much as it is formed as the self-realization of the soul, though it is not adequately this, and the soul renders itself present and makes its ‘appearance’ in the body which is distinct from it.”

xxxviii. Rahner, “The Theology of Symbol,” p. 234. “The symbol strictly speaking (symbolic reality) is the self realization of a being in the other, which is constitutive of its essence.”

xxxix. *Ibid.*, p. 245. Since Rahner sees his notion of the body as symbol as directly related to the Thomist concept of the body, it seems proper to use Thomas's other notions of the body as it relates to natural law, namely, his notion of the active and passive qualities of human nature and of human operations. Thomas defines natural law as the human participation in the Eternal Law of God. He writes, "There are two ways in which a thing is subject to the eternal law...first by partaking of the eternal law by way of knowledge; secondly, by way of action and passion, *i.e.*, by partaking of the eternal law by way of an inward motive principle.... But since the rational nature, together with that which it has in common with all creatures, has something proper to itself inasmuch as it is rational, consequently, it is subject to the eternal law in both ways; because while each rational creature has some knowledge of the eternal law.... It also has a natural inclination to that which is in harmony with the eternal law" (*Summa theologiae*, 1-2.93.6). In regards actions, Thomas writes: "But a certain agent is to be found, in which there is both the active and passive principle of its act, as we see in human acts.... For everything that is passive and moved by another is disposed by the action of the agent: wherefore, if the acts be multiplied a certain quality is formed in the power which is passive and moved, which quality is called a habit" (*Ibid.*, 1-2.51.2).

xl. In the chapter, "The Unity of Sex, Love, and Procreation," Cahill classifies "sex and procreation" as "physical goods and values" and sets in opposition to them, "love," which she classifies as a "personal" value. Consequently, she writes that "physical goods and values can have an important relation to human relationships, but they are expressive and contributory rather than fundamentally constitutive of such relationships" (p. 142).

xli. *Codex Iuris Canonici* (*Code of Canon Law*, 1983), c. 1142.

xlii. Only for the supernatural reason of one's faith can a consummated marriage be dissolved and that is only on the condition that the original marriage was not between two baptized persons. *Ibid.*, cc. 1141, 1142, 1143, 1150.

xliii. Anne Clark Smith and Sherry B. Borgers, "Parental Grief Response to Perinatal Death," *Omega* 19/3 (1988-89) 297.

xliv. *Ibid.*, pp. 209, 212.

xlv. "The Psychological Effects of Stillbirth on Surviving Family Members," *Omega* 22/2 (1990-1991) 102-03.

xlvi. Schüller, "Paraenesis and Moral Argument," pp. 89, 90. Begetting the child is an act of beneficence. Even when it is done through technicians, the child is still treated as a an end and not a means.

xlvii. *Newsweek* (28 July 1997).

xlviii. "Current Technology of *in vitro* Fertilization and Alternate Forms of Reproduction" in *Gift of Life*, p. 120.

xlix. John L. Couvares reported this figure on the Internet, February 10, 1997.

i. *Chicago Tribune* (May 5, 1999), Section 8, pp. 1, 2, 8.

li. Cvetkovich, "The Reproductive Technologies: A Scientific Overview" in *The Gift of Life: The Proceedings of a National Conference on the Vatican Instruction on Reproductive Ethics and Technology*, eds. Marilyn Wallace, R.S.M., Ph. D. And Thomas W. Hilgers, M.D. (Omaha: Pope Paul VI Institute Press, 1990), p. 8.

lii. Joanna H. Fanos, *Sibling Loss* (Mahwah: Lawrence Erlbaum Associates, 1996), p. 34.

liii. *Ibid.*, p. 113.

liv. Congregation for the Doctrine of the Faith, *Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation: Replies to Certain Questions of the Day [Donum Vitae, 1987]* (Boston: St. Paul Editions, n.d.). Under the section on heterologous artificial fertilization the document states that "it is through the secure and recognized relationship to his own parents that the child can discover his own *identity and achieve his own proper human development*" (II, A, 1). In the section on homologous fertilization, the document states: "Such fertilization entrusts the life and *identity* of the embryo into the powers of doctors and biologists and establishes the domination of technology over the origin and destiny of the human person" (II, B, 5), italics mine.

lv. Erik H. Erickson, "Eight Stages of Man," *Childhood and Society*, 2nd ed., revised and enlarged (New York: W. W. Norton & Co., 1963).

lvi. In *Developmental Psychology: Childhood and Adolescence*, 3rd ed. (Pacific

Grove: Brooks/Cole Publ. Co., 1993), p. 410, David Shaffer (in referring to Hornik's and Gunner's study of social reference) writes: "A mother's pained expression and accompanying vocal concern might immediately suggest that the knife is one's hand is an implement to be avoided. And given the frequency with which expressive caregivers direct an infant's attention...or display their feelings about an infant's appraisal of objects and events, it is likely that the information inherent in their emotional displays will contribute in a major way to the child's understanding of the world in which he lives." See R. Hornik and M. R. Gunnar, "A Descriptive Analysis of Infant Social Referencing," *Child Development* 59/3 (1988) 626-34.

lvii. Erikson, *Childhood and Society*, p. 209.

lviii. Ephesians 5:32

lix. Cahill, "Sex, Love and Procreation," p. 142.

lx. Rahner, "The Theology of Symbol," p. 247.

lxi. *Ibid.*, p. 245.

lxii. *Ibid.*, p. 230.

lxiii. *Ibid.*, p. 231.

lxiv. *Ibid.*, p. 246.